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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT SEATTLE

8 SHABANI RAMADHANI,

9 Plaintiff,

10 v.

11 STELLAR SENIOR LIVING LLC; and
12 OVERLAKE TERRACE LLC,

Defendants.

C18-1125 TSZ

MINUTE ORDER

13 The following Minute Order is made by direction of the Court, the Honorable
14 Thomas S. Zilly, United States District Judge:

15 (1) Plaintiff's motion for protective order, docket no. 19, is DENIED in part
16 and GRANTED in part as follows:

17 (a) Defendants may issue a subpoena duces tecum to Sunrise of
18 Bellevue (and/or Sunrise Senior Living Management Inc.) for plaintiff Shabani
19 Ramadhani's payroll and time records and performance evaluations for the period
20 from January 1, 2016, through December 31, 2016. All documents produced in
21 response to such subpoena duces tecum shall be treated as confidential and shall
22 not be publicly disclosed absent prior written consent of plaintiff. *See Rugo v.*
23 *Hardwick*, 2017 WL 2623771 at *4 (E.D. Wash. June 16, 2017).

(b) Plaintiff's motion for protective order is otherwise GRANTED, and
defendants may not issue subpoenas duces tecum to any other former employers or
to plaintiff's current employer in connection with this litigation. *See Scott v.*
Multicare Health Sys., 2019 WL 1559211 (W.D. Wash. Apr. 10, 2019); *Paananen*
v. CellCo P'ship, 2009 WL 2057048 (W.D. Wash. July 15, 2009).

1 (2) Plaintiff's motion to compel production,¹ docket no. 22, is GRANTED in
2 part and DENIED in part as follows:

3 (a) Defendants are DIRECTED to produce, within forty-five (45) days
4 of the date of this Minute Order, unredacted Extended Care Professional ("ECP")
5 records for the three-month period preceding plaintiff's termination. Defendants
6 shall bear the burden of providing any notice required by RCW 70.02.060, if
7 applicable. If defendants do not timely provide such unredacted materials to
8 plaintiff, they will not be permitted to offer any ECP records at trial.

9 (b) Defendants are DIRECTED to produce, to the extent they have not
10 already done so, all documents, including all emails, relating to (i) defendants'
11 articulated reason for terminating plaintiff, namely his allegedly improper use of
12 the ECP system, including any communications between persons who investigated
13 such suspected misconduct and/or participated in the decision to terminate
14 plaintiff, even if such materials do not reference plaintiff by name; and (ii) any
15 requests pursuant to the Family and Medical Leave Act ("FMLA") made by
16 plaintiff or time off taken by plaintiff during the six-month period preceding his
17 termination. Such disclosures shall be made within thirty (30) days of the date of
18 this Minute Order.

19 (c) Plaintiff's motion to compel is otherwise DENIED.

20 (3) Defendants' motion to compel and for protective order, docket no. 17, is
21 GRANTED in part and DENIED in part as follows:

22 (a) With respect to plaintiff's employment records, defendants' motion
23 to compel is GRANTED in part and DENIED in part as set forth in Paragraph 1.

(b) With regard to the "native" versions of text messages and emails
with Overlake Terrace staff, defendants' motion to compel is DENIED. Plaintiff
appears to have produced the requested records, and has provided an explanation
concerning how materials were extracted from plaintiff's cell phone and how
relevant data was identified. See Caldwell Decl. at ¶¶ 4-7 (docket no. 34).

(c) With respect to ECP records, defendants' motion for protective order
is GRANTED in part and DENIED in part as set forth in Paragraph 2.

(4) The Court DECLINES to award attorney's fees or costs in connection with
any of the discovery motions addressed in this Minute Order.

¹ Defendants' request for extension of time to file their response, see Resp. at 2 n.1 (docket
no. 37), is GRANTED, and defendants' response, docket no. 37, will be considered timely filed.

(5) The Clerk is directed to send a copy of this Minute Order to all counsel of record.

Dated this 10th day of July, 2019.

William M. McCool
Clerk

s/Karen Dews
Deputy Clerk